

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Crim. No. 99-880 SC

RAFAEL GOMEZ-CONTRERAS,

Defendant.

MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION

Proposed Findings

This matter comes before the Court upon the United States' Motion for an Order to Show Cause and Forfeiture of Appearance Bond, filed July 21, 1999. Having held a hearing on this matter on September 3, 1999, I hereby make the following findings:

1. On May 7, 1999, the Defendant and Eusebia Gomez executed an appearance bond in the amount of \$10,000.00. \$10,000.00 cash was posted.
2. On May 21, 1999, United States Pretrial Services Officer Mark Bensley filed a Petition for Action on Conditions of Pretrial Release, alleging that the Defendant had never reported to Pretrial Services, in violation of his conditions of release.
3. On May 21, 1999, a warrant was issued for Defendant's arrest.
4. On August 4, 1999, an Indictment was issued by the Grand Jury, charging Defendant with four counts of knowingly transporting, harboring, and/or concealing an alien in reckless disregard of the fact that the alien had entered and remained in the United States in violation of

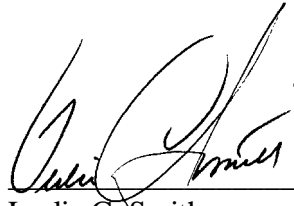
the law.

5. The Court issued a second arrest warrant on August 9, 1999.
6. On August 25, 1999, the Court issued an Order to Show Cause, setting a bond forfeiture hearing on September 3, 1999.
7. The Court noticed Defendant and Eusebia Gomez of the September 3, 1999 bond forfeiture hearing.
8. The Defendant was not present at the September 3, 1999 bond forfeiture hearing.
9. Eusebia Gomez appeared for the September 3, 1999 bond forfeiture hearing.
10. Eusebia Gomez expressed no defense to the forfeiture of the cash bond.

Recommended Disposition

Pursuant to Fed. R. Crim. P. 46(e), I recommend a declaration of bond forfeiture against Defendant Rafael Gomez-Contreras and Eusebia Gomez. I further recommend that judgment be entered against the Defendant and Eusebia Gomez in the principal amount of \$10,000.00, together with United States District Clerk Docketing fees in the amount of \$150.00 as provided by 28 U.S.C. §§2412(a)(2) and 1914(a), interest at the legal rate compounded annually and computed daily until paid, and costs as allowed by law. I recommend that an order issue to the Clerk of the Court forfeiting the \$10,000.00 to the United States. Timely objections to the foregoing may be made pursuant to 28 U.S.C. §636(b)(1)(C). Within ten days after a party is served with a copy of these proposed findings and recommendations that party may, pursuant to §636(b)(1)(C), file written objections to such proposed findings and recommendations. A party must file with the **Clerk of the Court, U.S. District Court, 200 E. Griggs Ave., Las Cruces,**

NM 88001, any objections within the ten day period allowed if that party wants to have appellate review of the proposed findings and recommendations. If no objections are filed, no appellate review will be allowed.

A handwritten signature in black ink, appearing to read 'Leslie C. Smith', written over a horizontal line.

Leslie C. Smith
United States Magistrate Judge